

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re) Case No. _____
)
) [ONLY FOR CHAPTER 13 CASES]
) DEBTOR'S ATTORNEY'S DISCLOSURE
) OF COMPENSATION AND ANY
) EMPLOYMENT AGREEMENT, AND
) APPLICATION FOR COMPENSATION,
 Debtor(s)) UNDER 11 USC §329 AND FRBP 2016(b)

Debtor's attorney discloses compensation paid or to be paid in the above referenced case. Debtor and debtor's attorney have agreed to attorney compensation, and have have not entered into an employment agreement. **A copy of the employment agreement, if any, is attached hereto.**

The applicable schedule for the fee agreement between debtor and debtor's attorney is indicated below. If Schedule 1 or Schedule 2 is selected, debtor(s), acting by and through the undersigned counsel, apply to the court for an order authorizing the compensation specified therein.

SCHEDULE 1: The total fee request is \$_____ (\$4,750 maximum). This amount represents all fees for the entire life of the case except for appeals or any adversary proceeding. Debtor has agreed to pay fees of \$_____ (\$4,750 maximum) and expenses of \$_____ for a total of \$_____.
Debtor (specify) _____ has paid \$_____, leaving \$ _____
to be paid through the plan.

SCHEDULE 2: Regarding all services rendered through confirmation of the plan plus the initial audit of claims, debtor and debtor's attorney have agreed upon:

(a) a flat fee (i.e., requiring no itemization) of \$_____ (\$3,450 maximum). Debtor and debtor's attorney have agreed that post-confirmation services (after the initial audit of claims) will be charged as specified in the attached agreement or, if there is no written agreement, as follows:

(b) an estimated total fee of \$_____ and expenses of \$_____. Time records must be kept for all work performed both "pre" and "post" petition. Such records may be requested by the court at any time, and must show the time and rate applied to each service rendered. If the estimated fee exceeds \$3,450, an itemized statement showing the time and hourly rate applied to each service rendered must be filed with the court not less than one week prior to the final confirmation hearing.

Debtor (specify) _____ has paid \$_____, leaving
\$ _____ to be paid through the plan.

SCHEDULE 3: [COMPLETE ONLY IF CURRENT ATTORNEY WAS RETAINED AFTER CONFIRMATION OF A PLAN.] Debtor and debtor's attorney have agreed to fee arrangements as follows:

Debtor (specify) _____ has paid \$_____, leaving \$_____ to be paid through the plan.

[If the services specified in a previously submitted Schedule 1 or Schedule 2 (through confirmation and the initial audit of claims) were not completed] The debtor, the debtor's former attorney, and the debtor's current attorney have agreed to the following with respect to the former attorney's fees and will apply for any necessary court order for approval:

IMPORTANT:

1. No additional compensation requests will be granted if SCHEDULE 1 is selected, or after a final application is filed if SCHEDULE 2 or SCHEDULE 3 is selected.
2. Supplemental applications for compensation: (a) may only be filed if SCHEDULE 2 or SCHEDULE 3 is selected; (b) will not be considered unless the application is clearly marked as a final compensation application, or unless the supplemental compensation requested is more than \$500 and at least 6 months have expired since the filing of the case or since the filing of any earlier application; and (c) must be filed using LBF #1307, including an itemization of all services previously performed for which no previous itemization and application has been filed.

I certify there is no agreement to share compensation with any other person, except with a regular member, partner, or associate of my attorney firm, except as follows (provide details):

I further certify that on _____ a copy of this document was served on the debtor(s) and trustee.

DATED: _____

Debtor's Attorney

FEE QUOTE / RETAINER AGREEMENT FOR A CHAPTER 13 BANKRUPTCY CASE

Legal Services provided in a typical Chapter 13 case broadly include three categories of work:

- **Pre-Filing Services** involves a review of the documents you are requested to provide and preparation of the bankruptcy petition and related documents, analysis of assets, exemptions and asset protection strategies, and discussion of chapter 13 plan options. Pre-Filing Services are frequently performed in part at your initial consultation and you will be billed for that consultation should you decide to retain.
- **Post-Filing/Pre-Confirmation Services** includes representation at the meeting of creditors, advice to you and correspondence with your Trustee to resolve objections from the Trustee and your Creditors, attendance at the Confirmation Hearing in Court and preparation of such additional documents as are necessary to secure confirmation of your chapter 13 plan.
- **Post-Confirmation Services.** A chapter 13 case can last up to five years and it is impossible to project what the precise Post-Confirmation Services will entail. Most cases require between 3 to 5 hours per year of legal services. If you have a mortgage on your home your case will require greater than normal legal services due to requirements imposed by the Bankruptcy Code upon your lenders. The following list provides some examples of Post-Confirmation Services:



Amendment of Schedules	Modification of a Chapter 13 Plan
Annual Review for Plan Compliance	Defense of a Motion to Dismiss
Defense of a Motion for Relief	Sale or Refinance of Real Property
Proceedings to Strip off a Junior Lien	Claims Litigation
Conversion to Chapter 7	Final Case Review

2. Your chapter 13 case is fundamentally an "hourly fee" case meaning you will be charged for the actual time spent working on your behalf. Staff and Attorneys in this Firm are billed at rates between \$100 and \$370 per hour and such rates are subject to annual increase at the sole discretion of attorneys. Increases up to 5% per year are by agreement presumed reasonable and do not require advance notice. You will incur costs of at least \$370.00 for the court filing fee and court-mandated counseling courses. You MAY incur additional costs that will be advanced by this Firm and paid by you through the bankruptcy case. This could include: petition amendment fees, lien report fees, appraisal fees, expert fees.

The *estimated* fee for work to be performed through Post-Filing/Pre-Confirmation Services is \$ 3750. This fee is paid as follows:

- A. A retainer fee of \$ 500 for us to take your case and to commence Pre-Filing Services.
- B. An additional retainer fee of \$ 1000 in advance of filing to complete Pre-Filing Services and to cover the known costs of \$370.00 identified above.
- C. The balance of \$ 2250 will be paid by the Trustee from the money you pay into your Plan. If this *estimate* is low then any additional fees for Pre-Confirmation Services and all fees approved by the Court for Post-Confirmation Services will be paid through your chapter 13 plan. If your case is dismissed when you owe money to this Firm and the Trustee or this Firm is holding funds belonging to you, you specifically authorize us to negotiate such checks to pay fees owed.

3. You have not hired us nor have we accepted your case until you have delivered to Michael D O'Brien & Associates the retainer fee quoted above. Upon paying the retainer fee, please sign below. Your signature hires us to represent you in your Chapter 13 bankruptcy case subject to your compliance with the terms of this agreement. If there has been a material change in your financial circumstances between the date of this quote and the date you retain then we reserve the right to refuse your case.

 SUTJIYATI WIDJAJA	10/6/2017 Date	 Michael D O'Brien & Associates, P.C. agent	10/9/17 Date
Potential Client			